

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 1269,

Plaintiff,

v.

YP ADVERTISING & PUBLISHING LLC,

Defendant.

Case No. [17-cv-07014-VC](#)

**ORDER DENYING MOTION FOR A
TEMPORARY RESTRAINING ORDER**

The union's motion for a temporary restraining order requiring YP to reinstate Kaiser health benefits pending arbitration is denied, because the union has not made an adequate showing of irreparable harm or that the balance of hardships weighs in its favor. *See Newspaper & Periodical Drivers' & Helpers' Union, Local 921 v. San Francisco Newspaper Agency*, 89 F.3d 629, 634 (9th Cir. 1996). Although the union has submitted declarations from four members showing that they would suffer significant harm beyond the normal difficulties associated with switching health plans if they were unable to continue with Kaiser, the company has presented documentary and testimonial evidence that those four employees have an opportunity to seek continuing treatment from Kaiser, based on their specific health care needs, through Cigna's transition of care program. Those employees have not yet sought approval for continuing treatment from Kaiser through that program. (As Lisa Dombroski, a senior health and welfare manager for Dex Media, Inc., testified at the TRO hearing, the company can assist employees in obtaining prompt consideration of their applications by Cigna.) This, combined with the fact that the company has now agreed to expedited arbitration (something it refused to do before the union filed this lawsuit), weighs against issuing a temporary restraining order.

IT IS SO ORDERED.

Dated: December 20, 2017

A handwritten signature in black ink, appearing to read 'Vince', is positioned above a horizontal line.

VINCE CHHABRIA
United States District Judge